

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DARRIN BRASSWELL, #185623,

Petitioner,

Case Number: 08-10163

v.

Honorable Anna Diggs Taylor

BLAINE LAFLER,

Respondent.

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**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S  
MOTION FOR THE APPOINTMENT OF COUNSEL [D/E 4]**

Petitioner Darrin Brasswell, a state inmate, currently incarcerated at the Carson City Correctional Facility in Carson City, Michigan, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Petitioner filed his petition on January 11, 2008. The Court ordered Respondent to answer the petition by July 21, 2008. Before the Court now is Petitioner's "Motion for the Appointment of Counsel" (Docket #4).

The constitutional right to counsel in criminal proceedings provided by the Sixth Amendment does not apply to an application for writ of habeas corpus, which is a civil proceeding. *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002), *cert. denied*, 538 U.S. 984, 123 S.Ct. 1793, 155 L.Ed.2d 677 (2003), *reh. denied*, 539 U.S. 970, 123 S.Ct. 2666, 156 L.Ed.2d 677 (2003). There exists no constitutional right to the appointment of counsel in habeas cases, and the Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) ("[A]ppointment of counsel in a civil case is

. . . a matter within the discretion of the court. It is a privilege and not a right.”) (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case “[w]henever the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). In the instant case, the Court determines, after careful consideration, that the interests of justice do not require appointment of counsel at this time.

Accordingly, **IT IS ORDERED** that Petitioner’s “Motion for the Appointment of Counsel” (Docket #4) is **DENIED WITHOUT PREJUDICE**. The Court will reconsider Petitioner’s motion if it determines at a later date that appointment of counsel is necessary.

s/ Anna Diggs Taylor

Anna Diggs Taylor  
United States District Court Judge

Dated: June 19, 2008

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on June 19, 2008.

Darrin Braswell, #185623  
Carson City Correctional Facility  
10522 Boyer Road  
Carson City, MI 48811

s/Johnetta M. Curry-Williams  
Case Manager